

displaying the said gaming machine, without physical contact with said gaming machine, the card carried by the player, said card carrying indicia which is [may be] sensed by apparatus associated with the gaming machine, causing [the] wireless transfer of individualized data concerning the player from the card to the gaming machine or to a computer network that is associated with said gaming machine;

evaluating said data against a stored database; providing a biometric scan as separate, personal identification to the gaming machine, and evaluating said scan;
and activating said gaming machine for subsequent play upon favorable evaluation of said data and said biometric scan.

Cancel Claim 15.

27. (Amended) An article of personal adornment or clothing which further carries suitable electronics and an antenna to permit [the] two way wireless transfer of individualized data concerning a [the] wearer of said article between [from] the electronics and [to] a gaming machine or [to] a computer network that is associated with a gaming machine.

Please add the following claims:

29. The article of claim 27 in which the individualized data transferred from the gaming machine to the computer network from the electronics of said article comprises virtual cash added or subtracted from an electronic cash balance carried in said electronics.

30. The article of personal adornment of claim 27 which comprises a non-timekeeping bracelet, a necklace, a belt buckle, or a hat.

REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

Responding to the rejections under 35 U.S.C. §112, the foregoing Amendments are believed to be responsive to the rejections.

The Examiner has rejected claims 1-9, 11-20, and 26 as unpatentable over Walker et al. U.S. Patent 6,110,041 in view of Orus et al. U.S. Patent Application Publication 2002/0047044A1.

As the Examiner acknowledges, Walter et al. fails to disclose “a contactless player tracking card having electronics and an antenna to cause wireless transfer of player data to a gaming machine or computer network.” (Page 6 of the Office Action)

Accordingly, the Examiner brings forth Orus, which does teach gambling cards which can be “contactless cards” in Paragraph 0033.

However, those skilled of the art would not be lead to make the combination proposed by the Examiner, where the non-contact cards of Orus would be placed in devices disclosed by Walker et al., as indicated by the following quotations from Walker et al., 6,110,041:

Column 3, Lines 33-35:

“After a player inserts a player tracking card into a networked slot machine, that slot machine reads and transmits the player’s identification number to the central server.”

Column 8, Lines 1 & 2:

“... the player inserts player tracking card into slot machine 120 ...”

Column 8, Lines 34-39

“When the player finishes, he removes the player tracking card from slot machine 120 (Step 1050). Upon removal of the player tracking card, slot machine 120 accesses default game values from game parameter database 326 and configures the game in slot machine 120 to match the game default values (Step 1055).”

Column 9, Lines 9-11:

“Slot machine 120 next configures the game to match the received casino preferences (Step 1155), and determines whether the player has removed his card (Step 1160). If not, steps 1140-1155 are repeated. If the player has removed his card, slot machine 120 configures the game to match casino default values (Step 1165).”

From the quotations, it can be seen that the insertion of the card into a reading slot of the machine is an essential part of the operation of the machine of Walker et al. Thus Walker et al. teaches away from the idea of using a contactless card, as in this invention.

The attention the Examiner is also directed to Fig. 10(b) and Fig. 11(b) of Walker et al., where in each case there is step relating to removal of the tracking card. In both cases, if the player has removed the tracking card, another step happens, showing that the presence of the tracking card in the reading slot is an important factor in the invention of Walker. Without a tracking card in the reading slot, the Walker System does not work as it is intended to as illustrated by Figs. 10(b) and 11(b).

That being the case, those skilled in the art would not look to add to Walker a contactless card, since Walker contemplates a system where the presence of the card is a continuing indicator to the apparatus to operate in one way, and its removal indicates to the machine that it must now operate in a different way. That being the case, the objectives of Walker et al. would not be effectively fulfilled by the simple replacement of the card of Walker with a contactless smart card system, since there would be no way then to substitute for the fact that the presence or absence of the card in a slot is not just for purposes of starting the game, but is used as an indicator throughout the game, as indicated by the sections referred to above and the two drawings mentioned.

Furthermore, claim 1, as amended, has added to it the requirement of the step of “...during or after said subsequent play, causing wireless transfer of second, individualized data back to the card to be stored.”

Claim 1 thus calls for two-way communication between the card carried by the player and the gaming machine or a computer network. The transfer of first data concerning the player

from the card to the gaming machine is wireless, and the transfer of the second individualized data back to the card is also wireless. This individualized data can be a credit or debit balance that the player carries on the card, which credit balance may vary from play to play of the various games, being updated by the two-way wireless transfer.

To the contrary, it is not seen where Walker et al. teaches such two-way communication between the gaming machine and the card.

As one example of the two-way wireless transmission between the card and the gaming machines, see the first paragraph of page 5 of the application, where a form of two-way communication between the smart card and the gaming machines is described. *See also* the second paragraph of page 5, where "... a running balance of balance of funds or credit available for playing may be carried on the card, changing as two-way interaction takes place between the card and one or more sensors associated with gaming machines."

Accordingly, it is submitted that claim 1 and its dependent claims are patentable.

Referring in particular to claims 5, 9 (amended), and similar other claims, this adds to the method of claim 1 a step of providing "... a biometric scan of said player as a necessary prerequisite to said machine activation."

While Walker et al. teaches a biometric scan at column 6, lines 52-61, note that such a scan is clearly contemplated as a substitute for a player card rather than an addition to the contactless method of claim 1, as called for in claim 5. As stated at column 6, line 52, et seq., "In other embodiments, slot machine 120 recognizes the identity of players through player identification devices other than player card tracking device 360, thereby eliminating the need for players to carry player identification cards." (*Emphasis Added*).

What claim 5 calls for is an added biometrics scan of the player, along with the wireless data transfer from the card to the gaming machine as a necessary prerequisite to the machine activation. This later concept is not taught in Walker, and finds particular desirability by increasing the security of the wireless transfer transaction of claim 1, while still desirably remaining a non-contact process where the user has no buttons to press or other contact-type ways of identifying himself.

Claims 10-26, being all ultimately dependent upon claim 9, are also all believed to share in its patentable distinctions and to be similarly allowable for that reason, as well as for their own patentable distinguishing reasons.

Turning to claim 27, here also the claim, as amended, calls for electronics which permit “... two-way wireless transfer of individualized data concerning a wearer of said article (of personal adornment) between the electronics and a gaming machine or a computer network that is associated with a gaming machine.” (emphasis added)

As previously discussed with respect to Walker, it is believed that Walker does not teach a two-way transfer of the individualized data between a “card” and a gaming machine. The term “card” is stated in the application to include such things as an article of personal adornment, or clothing which further carries the suitable electronics and an antenna to permit such two-way, wireless transfer of individualized data.

In view of the above, allowance of the claims is respectfully requested.

Applicant’s attorney wishes to make of record two pending patent applications. One of the applications is Griswold et al., Patent Application 10/759,712, filed January 12, 2001, entitled “Smart Token.” In this application, a token is used as a coin typically, inserted into a gaming machine and then expelled again, while providing information to the gaming machine

about the player, his credit, and the like. It does not comprise an article of personal adornment or clothing, as in this present invention.

Also, applicant's attorney wishes to cite Wells et al. pending application Serial No. 09/491,899, filed January 27, 2000, entitled "Biometric Identification for a Cashless Gaming Environment."

A PTO reference citation form listing both of these references, a check for \$180.00 as the information disclosure submission fee, and copies of the specification and drawings of these two applications are enclosed.

Respectfully submitted,

SEYFARTH SHAW



Garrettson Ellis
Registration No. 22,792
Attorney for Applicant

SEYFARTH SHAW
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603
(312) 346-8000

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 11, 2003.



Registered Attorney for Applicant
Date: July 11, 2003